

PROPOSED AGENDA
COUNCIL MEETING
November 22, 2011
7:00 PM

CALL TO ORDER – Mayor Sammy Phillips
PLEDGE OF ALLEGIANCE
INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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City Council
Mayor
City Attorney
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COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

November 9, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Wednesday, November 9, 2011 beginning at 4:30 PM. Present were: Mayor Sammy Phillips, presiding; and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, and Bob Warden. Mayor Pro-Tem Michael Lazzara arrived at 5:50 PM. Councilman Jerome Willingham was absent. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Glenn Hargett, Communications and Community Affairs Director; Carmen Miracle, City Clerk; and John Carter, City Attorney.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 4:35 PM.

ADOPTION OF AGENDA

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously approved to adopt the agenda as amended to change the order in which topics were presented.

TRANSIT TOUR OF CITY LIFT STATIONS

The Council departed City Hall via City Transit Bus at 4:35 PM and arrived at the Bell Fork lift station at 4:40 PM. During transit, Mr. Pete Deaver, Utilities Superintendent, distributed a handout summarizing lift station problems, issues, and solutions, a copy of which is herein attached to the official minutes as Exhibit A. Upon arrival, Mr. Deaver reviewed the upgrades that had been accomplished at the Bell Fork lift station and the work that still needed to be completed.

Council asked about security measures as the station was open to a neighborhood park. Staff indicated that a padlocked fence would soon be installed and shrubs would be added around it to soften the look. Various types of fencing were discussed and Councilman Warden suggested PVC coated fencing materials were less damageable by wind. Mr. Deaver and Mr. Hansen responded that staff would review that fencing option along with others in terms of overall effectiveness and aesthetic appeal.

Council departed the Bell Fork station at 4:53 PM and arrived at the Henderson lift station at 5:04 PM. Council toured both the inside and outside of the site. The Henderson lift station was a high flow station resulting in very high maintenance. The lift station had not been upgraded and staff reviewed concerns and maintenance issues of the site. Council departed the Henderson Drive station at 5:09 PM.

Council arrived back at the Jacksonville City Hall at 5:19 PM and Mayor Phillips recessed the meeting for a short break.

Mayor Phillips reconvened the meeting at 5:34 PM in Meeting Rooms A&B of the Jacksonville City Hall.

**PUBLIC SERVICES DEPARTMENT ANNUAL REPORT AND ARRA ENERGY
GRANT REPORT**

Using the PowerPoint presentation attached to the official minutes as Exhibit B, Mr. Grant Sparks, Public Services Director, reviewed the accomplishments and activities of each of the Public Service divisions during the previous fiscal year. Following the annual report and as shown in Exhibit B, Mr. Richard Sirois, Facilities Manager provided a detailed update of the work, efficiencies and energy savings that were accomplished with the ARRA Energy Grant. The grant funds had allowed the City to retrofit for efficiency and future energy savings as well as to conduct education. The results would have a long time financial benefit on the City.

Following discussion, Councilman Bittner asked about high electrical usage and costs at the new water plant. He asked if a fact sheet on the new water plant was available for Council information. Mr. Woodruff said staff would be happy to provide one to Council.

A brief discussion was held regarding a private solar energy business who had contacted the City to discuss unused and available land at the Land Treatment Site. Mr. Woodruff assured Council that this was a private company and the City was definitely not planning to get into the electrical business.

In terms of energy savings, Mr. Woodruff reviewed that there were approximately 3,000 street lights and the City paid \$11 to \$50 each per month. The City paid the fee whether the lights were on and functioning or not because they were not metered. One of their efforts was to test and quantify the number of lights that were out and they were looking at new energy efficient technology for the light replacements.

Mayor Phillips pointed out that he noticed many streetlights in neighborhoods were burned out and particularly mentioned Western and Gum Branch. He said that in the past the Police Department would report burned out streetlights while they were out on patrol. Dr. Woodruff said he would check with the Police Department to see if they were still doing that, and if not, discuss with the Police Chief. In addition, citizens were encouraged to call in the 'pole numbers' of any streetlights they found burned out. Mayor Phillips noted that citizens could also report it to the utility company.

RECESS/RECONVENE

Mayor Phillips recessed the meeting at 6:13 PM. Mayor Phillips reconvened the meeting at 6:22 PM.

RECREATION AND PARKS ANNUAL REPORT

Using Exhibit B, Mr. Tim Chesnutt, Recreation and Parks Director, provided the Recreation and Parks Annual Report. In addition, he provided an update on this past seasons project that Council approved allowing staff to take over mowing and trash pickup from the contractor. The results were impressive. The City mowed the selected areas every 7 to 10 days versus the contractor's schedule of mowing every two months. The City also picked up litter in the selected areas every five days versus the contractor picking it up every two months. Both were done at a lower cost.

Council members pointed out that they had received a number of positive comments from citizens regarding the cleaner look of the City and they commended the department for their diligence and work to keep the City clean and green.

In response to questions as to the new gym floor at the Commons, Mr. Chesnutt stated that during the recent Invitational held at the Commons, the participants raved over the improvements.

Council Member Coleman asked about the Market Street Tot Park. Mr. Chestnutt reported that the playground equipment was removed and donated to Onslow County Recreation. Dr. Woodruff added that there had been some preliminary discussion between Community Development and Habitat for Humanity who would like to use the lot for a future home site. Any action of this sort would have to be presented and approved by Council.

Following a brief discussion, Mayor Pro-Tem Lazzara said he would like for them to continue to seek ways to work with Onslow County and Marine Corps Base Camp Lejeune in

terms of regional recreation options.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 6:44 PM.

COUNCIL MINUTES

REGULAR MEETING

November 9, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Wednesday, November 9, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, and Bob Warden. Councilman Jerome Willingham was out of town. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Council Member Fannie K. Coleman led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

RECOGNITION

Mayor Phillips acknowledged the students from Mr. Moore's State and Local Government Class from Coastal Carolina Community College who were in attendance.

Mayor Phillips recognized Council Member Coleman and Council-elect Angelia Washington for the clean election campaigns they ran and presented both with flower bouquets.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to adopt the agenda as amended to add to the Closed Session a property acquisition discussion on 52 Kerr Street and 110 Sandy Drive.

ADOPTION OF MINUTES

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to approve the minutes of a Special Workshop Meeting held October 18, 2011 as presented and the minutes of the Regular Meeting held October 18, 2011 as presented.

PRESENTATIONS

PROCLAMATION – NONPROFIT AWARENESS MONTH

Mayor Phillips read a Proclamation naming November as Nonprofit Awareness Month. Following the reading of the Proclamation, Dr. Don Herring, Chairman of the Onslow Civic Affairs Committee accepted the Proclamation. He thanked the Mayor and Council and accepted the proclamation on behalf of the 89 non-profits in Onslow County. He was appreciative of the support the City provided not only to the non-profits, but also to the Non-Profit Executive Roundtable that helped non-profits to grow.

PRESENTATION OF CERTIFICATES AND AWARDS TO JPD OFFICERS
AND CITY OF JACKSONVILLE STAFF

Mayor Phillips presented a North Carolina Justice Academy Certificate to Corporal Keith C. Wagner of the Jacksonville Police Department for his completion of the School Resource Officer Certificate Program at the North Carolina Justice Academy.

Mayor Phillips presented Police Commendation Awards to Lieutenant Devon Bryan and Sergeant Chuck James and Civilian Community Service Awards to Adam Oates, Rick Sirois, Richard Hoffman, Brian Neeley, Glenn Futrell and Allen Baker for their outstanding performance in successfully renovating the Mobile Command Center. Chief Yaniero stated the Mobile Command Center would be operated as a City Command Unit and would be beneficial in making the City safer.

Mayor Phillips presented Police Commendations to Detective Richard Kellum and to Captain Billy Houston on behalf of the detectives of the Special Operations Division for their successful undercover investigation and seizure of Spice.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL
REPORTING - FINANCE DEPARTMENT

Mayor Phillips presented the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for its Comprehensive Annual Financial Report (CAFR) to Gayle Maides, Interim Finance Director. He noted that this was the

20th consecutive year that the City of Jacksonville had received this recognition. Mayor Phillips thanked the Finance Department for their hard work and dedication.

REPORT TO COUNCIL – TRAILS & GREENWAYS COMMISSION

Mrs. Pauline Joos, member of the Trails & Greenways Commission, provided a brief report on the annual activities, accomplishments and goals of the Commission. Council Member Fannie Coleman is the Council Liaison to the Commission.

PUBLIC HEARINGS

ZONING TEXT AMENDMENT – SECTION 10 DEFINITIONS AND SECTION 103 LANDSCAPING

Ryan King, Planning Administrator, stated that since City Council approved the zoning text amendment for stormwater ponds (amenity vs. utility) on February 9, 2011, staff had been reworking the amendments that were not approved as they related to landscaping requirements. Having met with the City's Horticulturalist, Management and UDO Steering Committee, staff revised the proposal to address the concerns that City Council expressed in February. The new proposal found in the Zoning Text Amendment included additional standards for multi-family developments. Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. King reviewed the proposed changes. He stated a revised Part H – Allowable Deviations to Landscaping Requirements was passed out to Council showing slight revisions that were made since the agenda packet was distributed. This change allowed for deviations under certain hardship cases.

Mayor Phillips recessed the regular meeting at 7:36 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:37 PM and reconvened the regular meeting.

A motion was made by Councilman Warden, seconded by Council Member Coleman, and unanimously adopted to approve the Zoning Text Amendment as revised.

Ordinance 2011-68, Bk. 10, Pg. 537

SPECIAL USE PERMIT AND SITE PLAN – TELECOMMUNICATIONS TOWER, FREESTANDING – 3336 HUNTERS TRAIL

Mayor Phillips recessed the regular meeting at 7:38 PM in order to convene the Public Hearing.

Jeremy Smith, Senior Planner was sworn in by Mayor Phillips. He stated that American Tower Corporation submitted a Special Use Permit and Site Plan application for a Telecommunications Tower, Freestanding. The proposed 165 feet tall monopole tower would be constructed on a 14.07 acre site located at 3336 Hunters Trail. The property was zoned Residential Single-Family 12 (RS-12) which allowed Telecommunications Towers, freestanding as a special use.

Mayor Phillips said that in regard to the Flight Plan Overlay, we needed to be sensitive to what was being built around our Camp Lejeune neighbor.

Tom Johnson with the law firm of Nexson Pruet, 4141 Park Lake Avenue, St. 200, Raleigh, NC, stated he was in attendance on behalf of the applicants along with several other representatives who were available for any questions the Council had.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:44 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously adopted to approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative and conditioned upon the items identified within the staff report.

PUBLIC COMMENT

Kevin O'Connor, 210 Newport Drive, Jacksonville, addressed the lawsuit that was filed against the City last week by the Christian Coalition. He stated he was in support of the City's decision to deny their revised permit application for location. Granted 1st Amendment rights were being dealt with, but there were safety concerns. He felt the Police Department was looking after the public's safety.

NEW BUSINESS

CONSENT ITEMS

VOLUNTARY ANNEXATION PETITION – HPS&R AND JACKSONVILLE HOTEL, INC. – 10.21-ACRES – WESTERN BLVD.

On behalf of HPS&R, Inc. and Jacksonville Hotel, Inc., John Pierce and Associates submitted a voluntary annexation petition for annexation of three tracts totaling 10.21 acres that were contiguous to the current City limit boundaries. The tracts were located adjacent to Western Blvd at its intersection with Henderson Drive Extension. The property was currently proposed as the site for three commercial businesses: 1) 73,109 square feet Courtyard by

Marriot hotel with 112 rooms and conference space; 2) Car Wash, and 3) Restaurant. The first step in the Voluntary Annexation process was to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Council adopted the Resolution as presented.

Resolution 2011-26, Bk. 6, Pg. 404

VOLUNTARY ANNEXATION PETITION – NEW BEGINNINGS CHILD CARE
CENTER-3.10 ACRES – 200 TERRY LEE LANIER DRIVE – CAROLINA FOREST

NBI Financial III, LLC (New Beginnings Child Care Center) submitted a voluntary annexation petition for annexation of 3.10 acres that were contiguous to the current City limit boundaries. The property was located adjacent to Carolina Forest Blvd at its intersection with Terry Lee Lanier Drive. The property was the site of a 14,533 square foot childcare facility, which had been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility would be paying outside City water and sewer rates until the property was fully annexed into the City. The first step in the Voluntary Annexation process was to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Council adopted the Resolution as presented.

Resolution 2011-27, Bk. 6, Pg. 405

CITY CODE AMENDMENT – FIREARMS AND OTHER WEAPONS ON CITY
PROPERTY

During the recently completed legislative session, S.L. 2011-268, the omnibus gun rights bill also known as the Castle Doctrine was enacted effective December 1, 2011. Specifically, Section 21(b) of the bill amends G.S. 14-415.23, limiting municipalities' authority to regulate guns in terms of concealed carry in parks. Previously, the statute allowed a municipality to adopt an ordinance permitting the posting of a prohibition against carrying a concealed handgun in local government buildings, their appurtenant premises, and parks. S.L. 2011-268 amended the statute to remove the term 'parks' and replace it with "recreational facilities that were specifically identified by the local government." The term "recreational facilities" was defined to include only the following: a playground, an athletic field, a swimming pool, and an athletic facility. The change also provided that if the municipality adopted an ordinance with regard to recreational facilities, then the concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment within or on the motor

vehicle. If approved, the ordinance would become effective on the same date as when the statute takes effect, on December 1, 2011.

Council approved the Ordinance amending the City Code.

Ordinance 2011-69, Bk. 10, Pg. 550

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEE

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to extend the Surety Agreement: Village at the Glen Section I-A.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to extend the Surety Agreement.

RESOLUTION DECLARING PROPERTY SURPLUS AND AUTHORIZING
DISPOSITION

According to Fiscal Year 2011 Vehicle/Equipment Requests approved by the City Council, any item being replaced was to be declared surplus property and turned over to Fleet Maintenance for disposition. As required by G.S. 160A-268 and G.S. 160A-270C, Council must adopt a resolution authorizing the disposal of property. The Fleet Maintenance Division placed an approximate value of \$50,515 on the six items meeting the above criteria. This revenue was already included in the original adopted budget.

Council adopted the Resolution declaring these items surplus and authorizing the disposal through electronic auction with the listed starting value and no reserve.

Resolution 2011-28, Bk. 6, Pg. 406

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE INSTALLMENT
PURCHASE AGREEMENT

The City solicited bids to borrow \$2,463,000 to finance various vehicles and equipment already approved in the budget. On October 19, 2011, the City received 10 Proposals from various banks for financing \$622,000 for a 36 month term and 10 Proposals from various banks for financing \$1,841,000 for a 59 month term. The overall best proposal was from Bank of America Public Capital Corp (Bank of America, N.A.).

Council approved the proposed resolution accepting the proposal from Bank of America for the financing of the vehicles and equipment.

Resolution 2011-29, Bk. 6, Pg. 407

RESOLUTION THANKING THE ONSLOW COUNTY BOARD OF COMMISSIONERS
FOR HURRICANE RECOVERY SUPPORT

The City of Jacksonville wished to express their sincere gratitude to the Onslow County Board of Commissioners who provided outstanding support and assistance during the Hurricane Irene recovery effort. If approved, a framed presentation copy of the Resolution would be prepared for Mayor Phillips to present to the Onslow County Board of Commissioners at their November 21, 2011 meeting. Council members were also invited to be present.

Council adopted the Resolution as presented.

Resolution 2011-30, Bk. 6, Pg. 409

NON-CONSENT ITEMS

SITE PLAN WITH APPROVED SPECIAL USE PERMIT – STAYBRIDGE (HOTEL) –
110 COBIA COURT

Jeremy B. Smith, Senior Planner stated that Parker and Associates was seeking approval of a site plan that had an approved special use permit for a proposed hotel. The developer proposed a 62,025 square foot hotel (91 rooms) on 3.51 acres (2 tracts) adjacent to Cobia Court. Mr. Smith stated that the plan presented had two differences from what was originally submitted - a section of parking was being removed along the drive and proposed site landscaping was doubled.

Mr. Woodruff clarified that the additional landscaping was not because of code changes, but was being required by the hotel's architectural review committee.

Councilman Thomas asked about the roads within the development. Mr. King stated that they were access easements from the subdivision plan and were not City streets. Councilman Thomas asked if they were going to ask the City to take over the streets. Mr. King stated that the streets were not constructed in a way that the City would want to take them over and there was no right-of-way. The roads were driveways on the individual business properties.

Mr. Woodruff stated it was important for the record to reflect that it was the intent of the City that these roads would remain in private ownership. Mayor Pro-Tem Lazzara stated that unless the roads were built to our standards, the City wouldn't be able to take them over.

Councilman Warden stated that the major players who come into the area were aware of the vital role landscaping placed in the well being of their economic investment and by Council approving the increase in landscaping requirements, it reinforced that awareness.

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara and unanimously adopted to approve the Site Plan conditioned upon the items identified in the TRC Comment Sheet and that the approval of the site plan in no way conveyed any inference that the City Council would accept the private streets as proposed in the future.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

FINANCE – PURCHASE AGREEMENT

Councilman Thomas commented on Item 8 of the Consent Agenda – Resolution Authorizing City Manager to Execute Installment Purchase Agreement. He stated he was astounded by the low interest rate given to the City, which reflected well on the good financial condition of the City of Jacksonville.

VETERANS DAY

In recognition of Veterans Day, Councilman Thomas expressed his thanks to all Veterans.

Mayor Phillips stated he had participated in the Veterans Day Parade. There was a very good turnout considering how cold and windy it was that day. He appreciated the attendance.

Mr. Woodruff stated that City Hall would be closed on Veterans Day and encouraged everyone to remember Veterans and try to find a way to help a neighbor or visit one of the Memorials.

MARINE CORPS BIRTHDAY

Mayor Phillips and Mayor Pro-Tem Lazzara wished a Happy Birthday to the Marine Corps.

NEW BRIDGE STREET LANDSCAPING

Mr. Woodruff stated the Planning Board would be meeting on Monday night to discuss the concepts outside of City Hall for the New Bridge Street landscaping. The Planning Board would be bringing to Council a recommendation in December.

HOLIDAY PARADE

Mr. Woodruff stated the Holiday Parade would be on Saturday, November 19 starting at 10:00 AM.

COUNCIL PICTURES

Mr. Woodruff reminded Council Members that they would be having their individual pictures taken on November 22 prior to the Council Workshop.

CLOSED SESSION

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Thomas, and unanimously approved to recess the Regular Meeting at 8:05 PM in order to convene a Closed Session for the purpose of consulting with the attorney in order to preserve the attorney client privilege pursuant to General Statute 143-318.11, subsection (a-3) and property acquisition of 52 Kerr Street and 110 Sandy Drive pursuant to General Statute 143-318.11, subsection (a-6).

RECONVENE

Mayor Phillips reconvened the Regular Meeting at 8:58 PM and stated there was no reportable action.

ADJOURNMENT

A motion was made by Councilman Warden, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 8:59 PM.



City Council Presentation

Presentation Item: A Date: 11/22/2011
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Subject: Presentation – Annual Veterans of the Year Awards

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

United States Veterans have played an important role in protecting our Country and freedom for many years. These individuals have willingly put themselves in harms way to defend the lives and liberties of others.

The City is proud of its bond with our local Veterans Organizations and the Council of Veterans Organizations. Each year the City asks each Group to nominate a Veteran from their Organization for recognition as Outstanding Veteran of the Year.

The City would like to show their respect and gratitude to our local Veterans by presenting the Annual Veterans Awards.

Action

Review accomplishments of each Veteran

Present "Veteran of the Year" Certificates and Outstanding Citizen Pins

Attachments:

None



Presentation Information

Presentation Item: A

2011 Outstanding Veterans of the Year

- | | |
|---------------------------|--|
| 1. Samuel Gupton | AMVETS, Post #225 |
| 2. Richard L. Ray | Beirut Veterans of America, Chapter 4 |
| 3. Kelley Hamilton | Employment Security Commission Office, Veterans Staff |
| 4. Patrick Curley | Heroes on the Water |
| 5. Angelo M. Inglis | Marine Corps Base Camp Lejeune, Military Retiree Council |
| 6. Rev. Raymond Randall | Marine Corps League, Onslow County Detachment #262 |
| 7. SSgt Daniel G. Stoy | Military Order of the Purple Heart, Beirut Memorial Ch #642 |
| 8. Alice Reiter | Military Order of the Purple Heart, Beirut Memorial Ch #642 Aux. |
| 9. Charles Gibbs | NABVETS, Marine Chapter #0054 |
| 10. Cora Davis | NABVETS, Marine Chapter #0054 Auxiliary |
| 11. Roben Smith | National Order of Trench Rats, Dugout #483 |
| 12. Paul H. Miethker | Non-Commissioned Officers Association, Down East Ch #906 |
| 13. Peter Franco | Onslow County Chapter #16, Disabled American Veterans |
| 14. Paul W. O'Toole, Jr. | Onslow County Council of Veterans Organizations |
| 15. Ralph E. Garcia | Rolling Thunder, Inc. Chapter NC-5 |
| 16. Chuck Vasquez | The American Legion, Burton Cowell Post #265 |
| 17. Dianne Randall | The American Legion, Burton Cowell Post #265 Auxiliary |
| 18. Jim & Janine Dunn | The Captain John C. Carr Veteran Resource Center |
| 19. Dwight Davidson | Veterans of Foreign Wars, Jacksonville Post #9133 |
| 20. Colleen Barnhart | Veterans of Foreign Wars, Ladies Auxiliary Post #9133 |
| 21. Bob Mason | Veterans of Foreign Wars, New Topsail Island Post #9983 |
| 22. Michael Carr | Vietnam Veterans of America, Inc. Jon Panarese Chapter #654 |
| 23. Donna-Marie Crowell | Associates of Vietnam Veterans of America, Chapter #654 |
| 24. Genevieve Blick | Women Marines Association NC-1, Tarheel Chapter |
| 25. Sylvia A. Fry | Loyal Escorts of the Green Garter – Local |
| 26. Joseph G. Traumer | Loyal Escorts of the Green Garter – Regional |
| 27. Fernando Schiefelbein | City of Jacksonville Veteran Liaison |



City Council Presentation

Presentation Item: B Date: 11/22/2011
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Subject: Jacksonville Youth Council Officers Oath of Office

Department: Community Programs

Prepared by: Glenn Hargett

Presentation Description

The Jacksonville Youth Council serves to give youth in Jacksonville a voice. The Council stands ready to advise the City Council, govern itself, perform public service and operate a Civic Youth Center for the City.

The City would like to administer the oath of office for the Officers who will guide the Youth Council for the remainder of this school year.

The Officers are listed in the following Presentation Information.

Parents of the Youth Council officers have been invited to attend and stand with them when they take their Oath of Office.

Action

Administer the Oath of Office to Incoming Officers.

Attachments:

None



Presentation Information

Presentation Item: B

Oath Taking for the Youth Council Officers These Terms are Transitional

The election of the 2011-2012 Officers to the Jacksonville Youth Council was held on Thursday, May 5, 2011. At that time, Logan John and Justin Barnes were elected to Chairman Elect and Vice Chairman Elect respectively.

The Youth Council has instituted a new system for elections. The term of the Chairman and Vice Chairman now runs from January to December in order for Seniors to enjoy more of their last year. Mr. John and Mr. Barnes will now assume the office of Chairman and Vice Chairman.

Of these Officers, **Logan John**, and **Justin Barnes** have served previously. **Brett Bentrup** and **Cheyenne Butler** are new to the Executive Committee.

The Incoming Officers are:

Officer	Office	High School	Parents' Names
Logan John	Chairman	Richlands HS	Jennifer & Alan John
Justin Barnes	Vice Chairman	Jacksonville HS	Stacey Barnes
Brett Bentrup	At-Large Seat	Jacksonville HS	Ben & Nicole Bentrup
Cheyenne Butler	At-Large Seat	Jacksonville HS	Bob & Kathy Butler

The oath of office is as follows:

I, *state your name*, do solemnly swear that I will support and maintain the constitution and laws of the United States, and the constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as *state your office* of the Jacksonville Youth Council, and maintain and uphold all the laws and regulations of the City of Jacksonville, so help me God.



Request for City Council Action

**Consent
Agenda
Item:** **1**
Date: 11/22/2011

Subject: Voluntary Annexation Petition – HPS&R and Jacksonville Hotel, Inc. – 10.21-Acres – Western Blvd.

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

At the November 9, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from HPS&R and Jacksonville Hotel, Inc.

On behalf of HPS&R, Inc. and Jacksonville Hotel, Inc., John Pierce and Associates submitted a voluntary annexation petition for annexation of three tracts totaling 10.21 acres that are contiguous to the current City limit boundaries. The tracts are located adjacent to Western Blvd at its intersection with Henderson Drive Extension.

The property is currently proposed as the site for three commercial businesses:

1) 73,109 square feet Courtyard by Marriot hotel with 112 rooms and conference meeting space; 2) Car Wash, and 3) Restaurant.

The City Clerk has conducted the required investigation and found as a fact that said petition is signed by all owners of real property lying in the area described. As provided in North Carolina General Statute 160A-31, a Resolution has been prepared scheduling a Public Hearing on this annexation for the December 6, 2011 Meeting.

Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

Action Needed

Consider the Resolution Scheduling Public Hearing

Recommendation

Staff recommends Council adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Certificate of Sufficiency
- B Proposed Resolution
- C Location Map



Staff Report

Consent
Agenda
Item:

1

Voluntary Annexation Petition - HPS&R and Jacksonville Hotel, Inc.

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

Tracts 1-3 are located adjacent to Western Blvd across from its intersection with Henderson Drive Extension. The property is surrounded by vacant property on three sides and by a gas station and three banks (RBC Centura, BB&T, and First Citizens) across the road on Western Blvd.

The property is currently proposed as the site for three commercial businesses: 1) 73,109 square feet hotel, Courtyard by Marriot, with 112 rooms and conference room space; 2) Car Wash, and 3) Restaurant.

Procedural History

- November 9, 2011 – Resolution adopted directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- November 22, 2011 – Consider a Resolution scheduling a Public Hearing.
- December 6, 2011 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- December 6, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- HPS&R, Inc. – John Pierce – Managing Partner
- Jacksonville Hotel, Inc. – Javesh N. Patel, Vice President
- Citizens of Jacksonville

Options

Adopt the Resolution Scheduling the Public Hearing: **RECOMMENDED**

- Pros: The site is contiguous to the current corporate limits and is proposed for future commercial development;
- Cons: None

Deny the Resolution Scheduling the Public Hearing:

- Pros: None
- Cons: This action would conflict with past actions associated with contiguous property proposed for development;

Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

CERTIFICATE OF SUFFICIENCY

HPS&R AND JACKSONVILLE HOTEL, INC.
WESTERN BLVD. - 10.21-ACRES

To: The City Council of the City of Jacksonville, North Carolina

I, Carmen K. Miracle, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Jacksonville, this 10th day of November, 2011.

Carmen K. Miracle
City Clerk

Parcel I.D. 339-4.7, 4.8, and 4.9

Attachment

A

RESOLUTION (2011-)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED

HPS&R AND JACKSONVILLE HOTEL, INC.
WESTERN BLVD. - 10.21-ACRES

WHEREAS, a petition requesting annexation of the area described herein has been received;
and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the
sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been
made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville,
North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein
will be held at City Hall at 7 o'clock, P.M. on the 6th day of December 2011.

Section 2. The area proposed for annexation is described as follows:

HPS&R, INC.

ANNEXATION – TRACTS 1 & 2 HPS&R, INC.

3.06 ACRE TRACT

JACKSONVILLE TWP., ONSLOW COUNTY, NORTH CAROLINA

Commencing at a point located where the centerline of N.C. Highway 53 (previously known as NCSR 1470 – commonly known as Western Boulevard – 200 foot right of way) intersects the centerline of NCSR 1336 (commonly known as Henderson Drive); thence leaving the said centerline and running North 48 degrees 47 minutes 24 seconds East 100.22 feet to an existing iron stake located along the Northeastern right of way of N.C. Highway 53; thence along the said right of way along a curve to the right having a radius of 5829.58 feet and a chord bearing and distance of South 44 degrees 43 minutes 05 seconds East 50.09 feet to an iron stake, said iron stake also being **THE TRUE POINT OF BEGINNING**; thence from the described beginning and leaving the said right of way and running along the Southeastern right of way of the proposed Henderson Drive Extension North 48 degrees 47 minutes 24 seconds East 276.91 feet to an iron stake; thence leaving the proposed right of way and running South 38 degrees 21 minutes 56 seconds East 185.81 feet to an iron stake; thence South 48 degrees 21 minutes 56 seconds East 131.31 feet to an iron stake; thence South 48 degrees 21 minutes 56 seconds East 119.29 feet to an iron stake; thence South 38 degrees 09 minutes 23 seconds East 60.75 feet to an iron stake; thence South 51 degrees 38 minutes 04 seconds West 289.29 feet to an existing iron stake located along the said Northeastern right of way of N.C. Highway 53; thence along the said right of way the following courses and distances: North 39 degrees 27 minutes 19 seconds West 71.94 feet to an existing iron stake, thence along a curve to the left having a radius of 5829.58 feet and a chord bearing and distance of North 40 degrees 54 minutes 35 seconds West 92.76 feet to an iron stake, thence along a curve to the left having a radius of 5829.58 feet and a chord bearing and distance of North 42 degrees 55 minutes 07 seconds West 316.00 feet to the point

Attachment

B

and place of beginning. Containing 3.06 acres and being described as Tracts 1 & 2 HPS&R, Inc. and recorded in Map Book 62 Page 233 Slide 0-16 and a portion of Deed Book 1310 Page 514 of the Onslow County Registry and being subject to all easements of record. The courses contained herein are correct in angular relationship and are referenced to N.C. Grid North; and;

JACKSONVILLE HOTEL, INC.

ANNEXATION – TRACT 3 HPS&R, INC.

7.15 ACRE TRACT

JACKSONVILLE TWP., ONSLOW COUNTY, NORTH CAROLINA

Commencing at a point located where the centerline of N.C. Highway 53 (previously known as NCSR 1470 – commonly known as Western Boulevard – 200 foot right of way) intersects the centerline of NCSR 1336 (commonly known as Henderson Drive); thence leaving the said centerline and running North 48 degrees 47 minutes 24 seconds East 100.22 feet to an existing iron stake located along the Northeastern right of way of N.C. Highway 53; thence along the said right of way along a curve to the right having a radius of 5829.58 feet and a chord bearing and distance of South 44 degrees 43 minutes 05 seconds East 50.09 feet to an iron stake; thence leaving the said right of way and running along the Southeastern right of way of the proposed Henderson Drive Extension North 48 degrees 47 minutes 24 seconds East 276.91 feet to an iron stake, said iron stake also being ***THE TRUE POINT OF BEGINNING:*** thence from the described beginning and continuing along the said right of way North 48 degrees 47 minutes 24 seconds East 184.59 feet to an iron stake, thence along a curve the left having a radius of 500.00 feet and a chord bearing and distance of North 34 degrees 04 minutes 30 seconds East 254.01 feet to an iron stake; thence leaving the said right of way and running South 68 degrees 59 minutes 33 seconds East 673.02 feet to an iron stake; thence South 51 degrees 38 minutes 04 seconds West 726.12 feet to an iron stake; thence North 38 degrees 09 minutes 23 seconds West 60.75 feet to an iron stake; thence North 48 degrees 21 minutes 56 seconds West 119.29 feet to an iron stake; thence North 48 degrees 21 minutes 56 seconds West 131.31 feet to an iron stake; thence North 38 degrees 21 minutes 56 seconds West 185.81 feet to the point and place of beginning. Containing 7.15 acres and being described as Tract 3 HPS&R, Inc. and recorded in Map Book 62 Page 233 Slide 0-16 and a portion of Deed Book 3656 Page 680-681 of the Onslow County Registry and being subject to all easements of record. The courses contained herein are correct in angular relationship and are referenced to N.C. Grid North.

Section 3. Notice of said public hearing shall be published in the Daily News, a newspaper having general circulation in the City of Jacksonville, at least ten (10) days prior to the date of said public hearing.

Adopted by the Jacksonville City Council in regular session this 22nd day of November, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

**HPS&R and Jacksonville Hotel, Inc.
Proposed Annexation Site**

Attachment C

Attachment C

**Proposed
Annexation Site**

Vacant

Vacant

Vacant

24

Vacant

**Gas
Station**

RBC Centura
Bank

BB&T

**First Citizens
Bank**

MARLIN DR

POMPAIANO PE
TARPO N 1

HENDERSON DR EX

Legend

PROPOSED ANNEXATION SITE

City Limits

Extra Territorial Jurisdiction



Request for City Council Action

**Consent
Agenda
Item:**

2

Date: 11/22/2011

Subject: Voluntary Annexation Petition – New Beginnings Child Care Center-3.10 acres – 200 Terry Lee Lanier Drive – Carolina Forest

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

At the November 9, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from NBI Financial III, LLC (New Beginnings Child Care Center) for annexation of 3.10 acres that are contiguous to the current City limit boundaries.

The property is located adjacent to Carolina Forest Blvd at its intersection with Terry Lee Lanier Drive. The property is the site of a 14,533 square foot childcare facility, which has been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility will be paying outside City water and sewer rates until the property is fully annexed into the City.

The City Clerk has conducted the required investigation and found as a fact that said petition is signed by all owners of real property lying in the area described. As provided in North Carolina General Statute 160A-31, a Resolution has been prepared scheduling a Public Hearing on this annexation for the December 6, 2011 Meeting.

Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

Action Needed

Consider the Resolution Scheduling Public Hearing

Recommendation

Staff recommends Council adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Certificate of Sufficiency
- B Proposed Resolution
- C Location Map



Staff Report

Consent
Agenda
Item:

2

Voluntary Annexation Petition - New Beginnings Child Care Center-3.10 acres

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

The 3.10 acre property is located in the Carolina Forest area at the corner of Carolina Forest Blvd and Terry Lee Lanier Drive. The property is the site of a 14,533 square feet childcare facility, which has been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility will be paying outside City water and sewer rates until the property is fully annexed into the City.

Procedural History

- November 9, 2011 – Adopted a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- November 22, 2011 – Consider a Resolution scheduling a future Public Hearing.
- December 6, 2011 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- December 6, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- NBI Financial III, LLC – Jody and Cheryl Cavanaugh- owner/petitioners
- Citizens of Jacksonville

Options

Adopt the Resolution Scheduling the Public Hearing: **RECOMMENDED**

Pros: The site is contiguous to the current corporate limits and had been commercially developed;

Cons: None

Deny the Resolution Scheduling the Public Hearing:

- Pros: None
- Cons: This action would conflict with past actions associated with contiguous property developed commercially;

Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

CERTIFICATE OF SUFFICIENCY

NEW BEGINNINGS CHILD CARE CENTER- 200 TERRY LEE LANIER DRIVE
CAROLINA FOREST AREA
3.10 ACRES

To: The City Council of the City of Jacksonville, North Carolina

I, Carmen K. Miracle, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Jacksonville, this 10th day of November, 2011.

Carmen K. Miracle
City Clerk

Parcel I.D. 338-18.25

Attachment

A

RESOLUTION (2011-)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
NEW BEGINNINGS CHILD CARE CENTER- 200 TERRY LEE LANIER DRIVE
CAROLINA FOREST AREA
3.10 ACRES

WHEREAS, a petition requesting annexation of the area described herein has been received;
and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the
sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been
made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville,
North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein
will be held at City Hall at 7 o'clock, P.M. on the 6th day of December 2011.

Section 2. The area proposed for annexation is described as follows:

Beginning at an "X" cut in the curb at the intersection of the eastern right of way of Carolina Forest
Boulevard with the southern right of way of Terry Lee Lanier Drive as shown on a map recorded in
Map Book 56 Page 177; thence from said beginning and along a curve to the right having a radius of
1540.00', a chord bearing of S 01°08'05" W, a chord length of 386.32' to a PK Nail in the paved
walk; Thence leaving said right of way S 84°21'35" E a distance of 312.09' to an iron stake; Thence
N 05°38'25" E a distance of 410.29' to a point on the southern right of way of Terry Lee Lanier
Drive; Thence N 78°37'07" W a distance of 198.50' to the PC of a curve to the left; Thence with the
curve to the left with a radius of 170.00', a chord bearing of N 88°15'47" W, a chord length of 56.96'
to the PT of said curve; Thence S 82°05'33" W a distance of 75.30' to the PC of a curve to the left;
Thence with the curve to the left having a radius of 20.00', a chord bearing of S 38°00'24" W, and a
chord length of 27.83' to the point of beginning. Containing 3.10 acres by coordinate computation.
Being all of Tract 2 per Map Book 56 Page 177 and Deed Book 3382 Page 383. This description was
written from record data without a field boundary survey being performed this date.

Section 3. Notice of said public hearing shall be published in the Daily News, a newspaper
having general circulation in the City of Jacksonville, at least ten (10) days prior to the date of said
public hearing.

Adopted by the Jacksonville City Council in regular session this 22nd day of November,
2011.

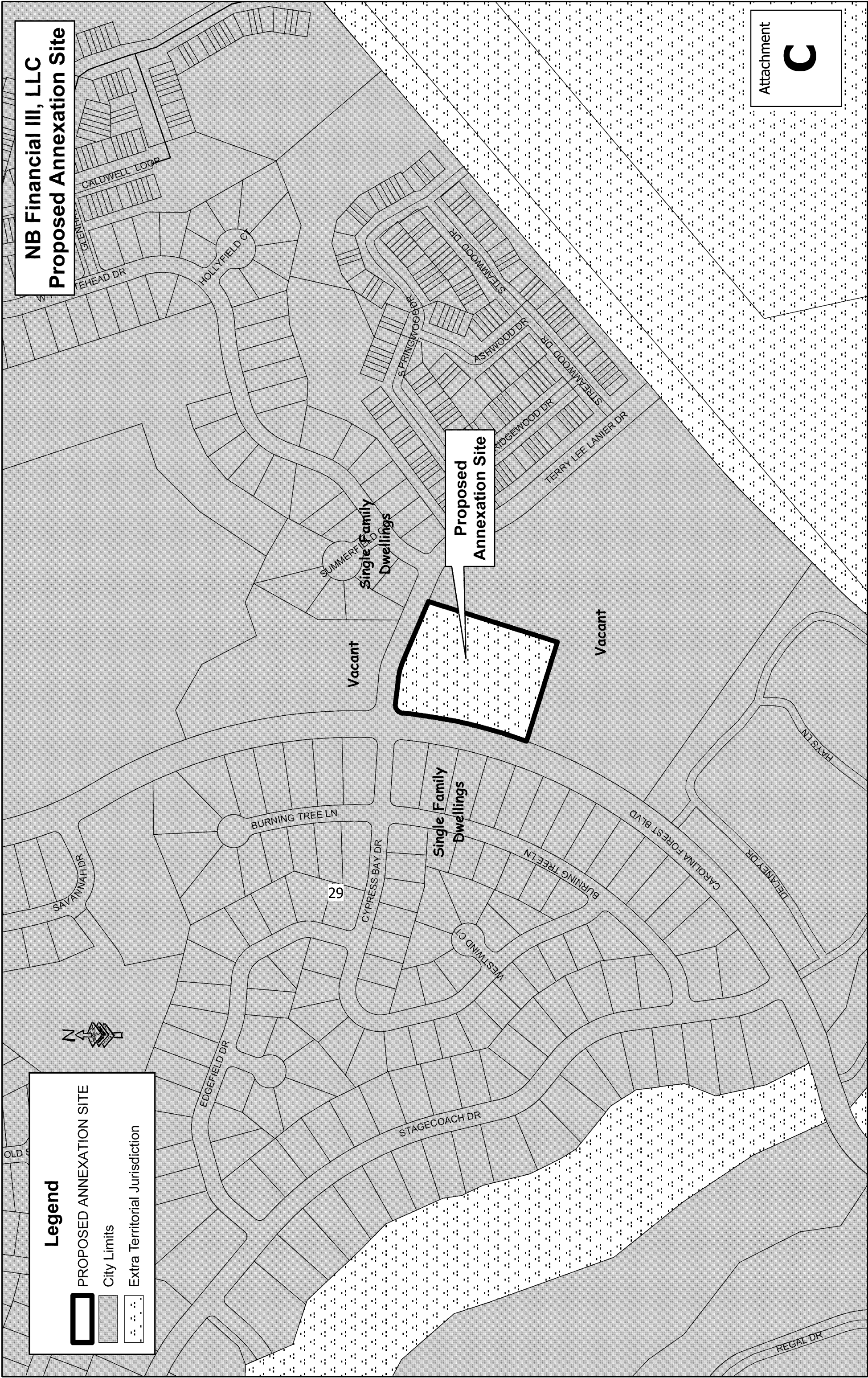
Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B





Request for City Council Action

**Consent
Agenda
Item:** **3**
Date: 11/22/2011

Subject: Budget Amendment - Hurricane Irene Project Increase

Department: Finance

Presented by: Gayle Maides, Assistant Finance Director

Presentation: No

Issue Statement

The original budget for the Hurricane Irene Project was underestimated and additional funds are anticipated to be received from FEMA for the additional expenditures associated with the hurricane relief efforts of the City.

Financial Impact

Allocate \$200,000 of additional anticipated funds from FEMA to the Hurricane Irene Project.

Action Needed

Consider approval of Budget Amendment to increase Hurricane Irene Project.

Recommendation

Staff recommends that Council approve the Budget Amendment and increase the project budget.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Budget Amendment

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2012 Hurricane Irene Project budgets is hereby enacted:

HURRICANE IRENE PROJECT - ER1201

REVENUES	BUDGET	CHANGE	TOTAL
FEMA	487,500	150,000	637,500
FEMA - STATE MATCH	162,500	50,000	212,500
TOTAL ADJUSTMENTS		200,000	
TOTAL PROJECT REVENUES	700,000	200,000	900,000
EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	700,000	200,000	900,000
TOTAL ADJUSTMENTS		200,000	
TOTAL PROJECT EXPENDITURES	700,000	200,000	900,000

The purpose of this budget amendment is increase the Hurricane Irene project by \$200,000 to accurately reflect FEMA funding.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 22th day of November 2011.

ATTEST:

Sammy Phillips, Mayor

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

Consent	4
Agenda	
Item:	
Date:	11/22/2011

Subject: Authorization to Condemn Financial Guarantees
Department: Public Services/Engineering
Presented by: Tom Anderson
Presentation: No

Issue Statement

As directed by Council, staff is requesting authorization to process condemnation of the financial guarantees held by the City if the developer is unable or unwilling to extend the Surety Agreement.

Financial Impact
None.

Action Needed
To authorize staff to process condemnation of the financial guarantees if the developer is unwilling or unable to extend the Surety Agreement.

Recommendation
Staff recommends Council authorize staff to process condemnation of the financial guarantees if the developer is unwilling or unable to extend the Surety Agreement.

Approved: ☒ City Manager ☐ City Attorney

Attachments:
None



Staff Report

**Consent
Agenda
Item:**

4

Authorization to Condemn Financial Guarantees

Introduction

In order to keep sureties and agreements current, Staff needs permission from Council to extend or condemn expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees.

Procedural History

The City's Subdivision Ordinance stipulates how the City handles Subdivision Agreements, their warranty periods and the financial guarantees related to that project. City Council must authorize the extension of an agreement or warranty period and/or give authorization to condemn financial guarantees. The following subdivisions have an agreement that soon will be expiring:

<u>Project Name</u>	<u>Expiration Dates</u>	<u>Amount</u>	<u>Extension</u>
Coastal Land Investors	CASH/SIDE: 1/19/2012	\$8,242.50	9 th
Maynard Manor, Phase VI-B	LOC: 1/26/2012	\$14,808.40	2 nd

Definitions:

LOC:	Letter of Credit	WAR:	Warranty	AGR:	Agreement
CD:	Certificate of Deposit	SIDE:	Sidewalk Agreement	BND:	Bond

Coastal Land Investors – The sidewalk agreement will expire January 19, 2012. Sidewalks are the only public improvement covered by surety for this project. The cash on deposit is to guarantee the installation of sidewalks when this area is developed.

Maynard Manor, Phase VI-B – The Surety will expire January 26, 2012. This project is under warranty. The warranty will expire May 9, 2012.

Stakeholders

- Developers: Coastal Land Investors and New Century Homes of Jacksonville.
- Residents of the City of Jacksonville

Options

Approve: Authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement. **(RECOMMENDED)**

Pro: City may process condemnation of the financial guarantee in order to complete infrastructure.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.

Deny: Take no action

Pro: Taking no action on this item offers no advantage to the City.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.



Request for City Council Action

Consent
Agenda
Item:
Date: **11/22/2011**

5

Subject: Uncollectible Miscellaneous Receivables

Department: Finance

Presented by: Gayle Maides, Interim Finance Director

Presentation: No

Issue Statement

A group of accounts from the City's Miscellaneous Receivables has been determined uncollectable. A detailed list of these 33 accounts (to include the customer's name, the amount owed, and the date the charges were incurred) is available in the Finance office for review.

Financial Impact

The total amount to be written off for Miscellaneous Receivables is \$62,882.33.

Action Needed

Consider uncollectible miscellaneous receivable accounts for write-off.

Recommendation

Staff recommends that Council write off the 33 miscellaneous receivable accounts totaling \$62,882.33.

Approved: ☒ City Manager ☐ City Attorney

Attachments: None



Staff Report

**Consent
Agenda
Item:**

5

Uncollectible Accounts

Introduction

The Finance Department is recommending 33 accounts, from the City's miscellaneous receivables, totaling \$62,882.33 be written off. Write off is requested based on the age of these accounts and the determination that the accounts are uncollectible. Each of these accounts have been researched and investigated thoroughly. Eligible accounts have been reported to North Carolina Debt Setoff and a national credit reporting agency. Should payment be received in the future on any of these accounts, the write off will be reversed and the payment will be posted. At this point, all effective avenues of collecting these debts have been exhausted.

Should these customers attempt to obtain future services with the City, they will be required to pay this debt before any utility account or service account will be opened.

Financial Analysis

Explanation	Balance	Number of Accounts	Average Debt
Statute of Limitations has expired on Lien/Customer is Deceased	\$54,618.17	12	\$4,551.51
Bankruptcy Losses (Chapters 7, 11 & 13)	\$4,766.69	6	\$794.45
Damage to City Property/Debris Removal	\$574.51	3	\$191.50
Employee Cobra Insurance Reimbursement	\$316.64	2	\$158.32
Code Enforcement(Property Sold)	\$1,941.32	2	\$970.66
Fire Inspections(Business closed or ETJ)	\$665.00	8	\$83.13
Total Uncollectible Accounts	\$62,882.33	33	\$1,905.53

Procedural History

Accounts are submitted for write off when no payment has been made for five years or the debt is determined to be uncollectable.

Stakeholders

- Citizens and taxpayers of the City

Options

Approve the write off request for the items totaling \$62,882.33 from the City's miscellaneous receivables. **RECOMMENDED.**

Pros: Avoid an audit finding because receivables are properly stated.

Cons: None.

Deny the write-off request.

Pros: None

Cons: Risk an audit finding due to overstating receivables.



Request for City Council Action

**Consent
Agenda
Item: 6
Date: 11/22/2011**

Subject: Tax Releases, Refunds, and Write-Offs

Department: Finance

Presented by: Gayle Maides, Assistant Finance Director

Presentation: No

Issue Statement

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes as attached. The detail list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) is available in the Finance Office for review.

Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$20,421.49, \$3,221.06, and \$86.54 (\$23,729.09).

Action Needed

Review the tax releases, refunds and write-offs.

Recommendation

Staff recommends that Council approve the tax releases, refunds and write-offs.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Tax Releases, Refunds, and Write-offs



Staff Report

**Consent
Agenda
Item:**

6

Tax Releases, Refunds, and Write-Offs

Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$20,421.49, \$3,221.06, and \$86.54 (\$23,729.09).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.



TAX RELEASE SUMMARY

SEPTEMBER 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2011	101-0000-111-0000	0.005380	13,908.62	625.43	14,534.05	2,585,245.35
2010	101-0000-111-1000	0.005380	5,380.15	0.81	5,380.96	1,000,027.88
2009	101-0000-111-1000	0.006260	281.32		281.32	44,939.30
2008	101-0000-111-1000	0.006260	107.79		107.79	17,218.85
2007	101-0000-111-1000	0.005316	97.22		97.22	18,288.19
2006	101-0000-111-1000	0.005900	20.15		20.15	3,415.25
2005	101-0000-111-1000	0.005900			-	-
2004	101-0000-111-1000	0.005900			-	-
2003	101-0000-111-1000	0.005900			-	-
2002	101-0000-111-1000	0.005900			-	-
2001	101-0000-111-1000	0.005900			-	-
TOTAL			19,795.25	626.24	20,421.49	3,669,134.82

'01-10	5,887.44
2011	14,534.05

TAX REFUND SUMMARY
SEPTEMBER 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2011	101-0000-311-0000	0.005380	245.73	-	1.31	247.04	45,674.72
2010	101-5000-412-2000	0.005380	996.82		14.77	1,011.59	185,282.53
2009	101-5000-412-2000	0.006260	1,039.82		38.26	1,078.08	166,105.43
2008	101-5000-412-2000	0.006260	536.86		9.18	546.04	85,760.38
2007	101-5000-412-2000	0.006260	192.65		3.96	196.61	30,774.76
2006	101-5000-412-2000	0.005316	141.70		-	141.70	24,016.95
2005	101-5000-412-2000	0.005900	-	-	-	-	-
2004	101-5000-412-2000	0.005900	-	-	-	-	-
2003	101-5000-412-2000	0.005900	-	-	-	-	-
2002	101-5000-412-2000	0.005900	-	-	-	-	-
2001	101-5000-412-2000	0.005900	-	-	-	-	-
TOTAL			3,153.58	-	67.48	3,221.06	537,614.77

TAX WRITE-OFF SUMMARY

SEPTEMBER 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2011	101-0000-111-0000	0.005380	84.76	-	84.76	15,754.65
2010	101-0000-111-1000	0.005380	1.78	-	1.78	330.86
2009	101-0000-111-1000	0.006260	-	-	-	-
2008	101-0000-111-1000	0.006260	-	-	-	-
2007	101-0000-111-1000	0.005316	-	-	-	-
2006	101-0000-111-1000	0.005900	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	-	-	-	-
2003	101-0000-111-1000	0.005900	-	-	-	-
2002	101-0000-111-1000	0.005900	-	-	-	-
2001	101-0000-111-1000	0.005900	-	-	-	-
TOTAL			86.54	-	86.54	16,085.50

'2001-2010 1.78
2011 84.76



Request for City Council Action

Consent
Agenda
Item: 7
Date: 11/22/2011

Subject: Annual Notice (2012) City Council Meeting Schedule

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

City Council Regular Meetings are set pursuant to City Code and Council's adopted Rules of Procedures. The Code provides that when a Council Meeting falls on an election day or a legal holiday, the meeting is automatically held the following day.

Any other changes to the Meeting Schedule require Council approval. Several changes are proposed as indicated in the attached 2012 Annual Schedule of Meetings.

After Council approval, the Annual Schedule of Regular Meetings for 2012 will be distributed to all media, City departments, and included on the City's website and noted on the City calendar.

Financial Impact

None

Action Needed

Consider proposed Annual Schedule of Council Regular Meetings

Recommendation

Staff recommends Council approve the Annual Schedule of Council Regular Meetings with proposed changes.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed 2012 Annual Meeting Schedule

2012 Jacksonville City Council Annual Meeting Notice

City Council Regular Meetings

The Jacksonville City Council meets on the first Tuesday following the first Monday of the month and two weeks thereafter at 7:00 PM in the Council Chambers of the Jacksonville City Hall, 815 New Bridge Street, unless otherwise directed by City Council.

***Proposed changes are delineated by an asterisk and shown in bold.**

***Meetings proposed for cancellation are shown with a strikethrough.**

Scheduled Meetings

Jan 3 & 17

Feb 7 & 21

Mar 6 & 20

Apr 3 & 17

***May 9 & 22**

Tuesday, May 8 is the date of a primary election; therefore, by City Code this meeting is moved to Wednesday, May 9, 2012.

June 5 & 19

July 3 & 17

***Aug 8 & 21**

National Night Out is scheduled for Tuesday, Aug. 7, 2012; therefore, this meeting is proposed to move to Wednesday, Aug. 8, 2012.

Sept 4 & 18

Oct 2 & 16

***Nov 7 & 20**

Tuesday, Nov. 6, 2012 is an Election Day; therefore; by City Code, this meeting is automatically moved to Wednesday, Nov. 7, 2012.

***Dec 4 & ~~18~~**

Due to the Christmas holidays, the second meeting in December is proposed for cancellation.

Attachment

A